

### **REMARKS/ARGUMENTS**

Claims 1-3, 5 and 6 stand allowed, with claims 12-15 rejected in the outstanding Official Action. Claims 1-3, 5, 6 and 12-14 have been amended and therefore claims 1-3, 5, 6 and 12-15 remain in this application.

The outstanding Official Action is in response to an Appeal Brief submitted by the Applicants on April 28, 2004. In response to the Appeal Brief, the Examiner has indicated that claims 1-3, 5 and 6 are allowed (Office Action Summary cover sheet). However, the Examiner objects to claims 1 and 2, suggesting that they should read “a light modulating apparatus” rather than the existing language of “light modulating apparatus.” Claims 12-14 stand newly rejected as being indefinite.

#### **Telephone Interview Conducted With Examiner Dinh November 22, 2004**

Applicants’ undersigned representative contacted Examiner Dinh on November 22, 2004 to ask about the objection to claims 1 and 2 and whether there was any similar objection to claims 3, 5 and 6. While the objection to claims 1 and 2 is correctable by the inclusion of the letter “A” at the beginning of the sentence, it was agreed that such an amendment was not in fact in response to a rejection of any claim. While Applicants have rewritten claims 1 and 2 in accordance with the Examiner’s suggestion, this is not an amendment made in view of any rejection of the claim.

Applicants’ representative pointed out that technically claims 3, 5 and 6 referencing the “display apparatus” according to the preceding claims does not have technical antecedent basis, as claims 1 and 2 refer to a light modulating apparatus, rather

than a "display apparatus." While the Applicants and Examiner agreed that there was no technical basis for rejection of these claims, it was also agreed that the minor amendment so that claims 3, 5 and 6 refer to a "light modulating apparatus" would make the claims more readable and such amendment has been provided above.

Applicants' representative and Examiner Dinh also discussed claims 12-14 and the Examiner's suggestion of indefiniteness. It was agreed that the ending portion of each one of these claims was not necessary for the claims to define over the existing prior art, and thus the indefiniteness could be obviated by the removal of this language. Applicants have deleted this language from claims 12-14 in the above amendment.

At the conclusion of the telephone interview, Applicants' representative indicated that he would seek authority for making these changes and the Examiner indicated that he would check to ensure that all claims would be allowable if amended as discussed and implemented as noted above. The Examiner called back later on November 22, 2004 and confirmed that he had spoken with his primary examiner and that all claims would be allowable if amended as noted above. The Examiner's granting of the telephone interview is very much appreciated.

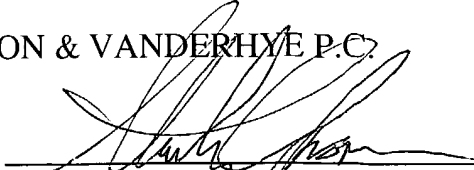
Having responded to all objections and rejections set forth in the outstanding Official Action, the application is believed to be allowable in view of the agreement reached with Examiner Dinh on November 22, 2004. However, should the Examiner believe a further telephone or personal interview will facilitate allowance of these claims, he is respectfully requested to contact Applicants' undersigned representative.

COKER et al.  
Appl. No. 09/868,241  
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Respectfully submitted,

NIXON & VANDERHYE P.C.

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